

## REMARKS

This amendment is being filed in response to an Office Action mailed 03/13/2006, in which the Examiner said that claims 1, 3-5, 7, 8, and 10-12 were rejected and that claims 2, 6, 9, and 13 were objected to. In this amendment, claims 1, 2, 6, 8, 9, and 13 were amended to overcome reasons given by the Examiner for rejections and objections.

### **Claims Considered Allowable Subject Matter**

The Examiner said that claims 1, 6, 9, and 13 were objected to as being dependent on a rejected base claim, but that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this amendment, this has been done, with claims 2 and 6 being rewritten to include the limitations of claim 1, and with claims 9 and 13 being rewritten to include the limitations of claim 8.

### **Claims Rejected under 35 USC §102**

The Examiner said that claims 1, 3-5, 7, 8, and 10-12 were rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 6,514,252 to Yao.

The Applicant notes that while the Applicant's invention provides an external fixation device having a frame that is fastened in place to hold a number of pins extending into the bone shaft and fragments, the invention of Yao provides a guiding frame that is used to locate a number of pins so that they extend through the bone into holes within the medullary pin, with these pins and the medullary pin forming an interlocking structure that holds together after the guiding frame is removed. Since the guiding frame of Yao merely serves to locate and support the pins as they are inserted, they are not clamped in place within the frame, but are instead slidably and rotatably mounted within holes in the guiding frame. In

the apparatus of Yao, sliding and rotation of the individual pins is required as the pins are screwed into place within the bone and within the holes in the medullary pin.

5 In this amendment claim 1 is amended to include requirements that the attachment pin clamps clamp the shaft attachment pins within the elongated distal portion of the frame, that the fragment attachment pins clamps clamp the fragment attachment pins within the proximal portion of the frame, and that the medullar pin clamp clamps the medullar pin within the upper end of the proximal  
10 portion of the frame. Support for this modification is found in the specification as filed on page 5, line 17, through page 6, line 4.

In the apparatus of Yao, pins are inserted through holes 40, 41, 75, and 82. Yao does include clamping screws, but these screws are not used to clamp the pins  
15 in place within the frame, but merely to adjust the positions of the guide holes within the frame, particularly in the vertical direction of the drawing, so that these pins will be aligned with holes within the medullary pin or nail. In particular, from FIG. 1 of Yao, it is noted that a clamping screw 77 is used to adjust the vertical position of a sliding block 80 within a square tube 70. A pin 36 extends through a  
20 hole 75 within the square tube and through an elongated slot 81 within the sliding block 80, so that the clamping screw 77 does not touch the pin 36, leaving it free to slide and rotate while it is held in alignment with the hole 75. The pin 37 is also free to slide and rotate while it is held in alignment with the hole 82. A pin 36 extends through a pair of holes 41 within a square tubular member 40, and  
25 additionally through an elongated slot 15 within a block 10. A clamping screw 43 is fastened within a threaded hole 42 within the square tubular member 40, holding the square tubular member 40 in place on the block 10 without touching the pin 36, which is also free to slide and rotate while it is held in alignment with the hole 41.

Therefore, the Applicant respectfully submits that Yao does not anticipate the requirements of claim 1, as amended herein, for the shaft attachment pin claims to clamp the shaft attachment pins within a portion of the frame, or for the fragment attachment clamps to clamp the fragment attachment pins within a portion of the frame, and that, therefore claim 1, as amended herein, is patentable under 34 USC §102(e) as not being anticipated by Yao.

Because dependent claims 3-5 and 7 merely add limitations to claim 1, it is further submitted that, for reasons described above regarding claim 1, these claims 3-5 and 7 are also patentable under 34 USC §102(e) as not being anticipated by Yao.

In this amendment, claim 8 is modified to include a requirement that a surgical installation of each pin includes clamping the pin to the external fixation device. Support for this modification is found in the specification as filed on page 5, line 17, through page 6, line 4.

Using the apparatus of Yao does not include clamping each pin to the external fixation device. No clamping device is provided for doing this, as explained above relative to the rejection of claim 1, and there is no reason for doing this, since the pins of Yao are fastened into place within holes in the medullary pin or nail. Therefore, the Applicant respectfully submits that claim 8, as amended herein, is patentable under 34 USC §102(e) as not being anticipated by Yao.

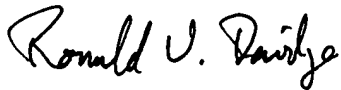
Because dependent claims 10-12 merely add limitations to claim 8, it is further submitted that, for reasons described above regarding claim 8, these claims 10-12 are also patentable under 34 USC §102(e) as not being anticipated by Yao.

### Conclusions

The Applicant respectfully submits that the application, including claims 1-13, is now in condition for allowance, and that action is respectfully requested.

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Respectfully submitted,



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Ronald V. Davidge

Registration No. 33,863

Telephone No. 954-344-9880

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